

II. REMARKS

A. Status

Claims 11-18 are currently pending in the Application, of which claims 11, 16, 17, and 18 are independent.

In the Office Action, original claims 1, 2, 4, and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,411,974 (“Graham”). Claims 3, 6, 9, and 10 were rejected under 35 U.S.C. §103 as being obvious over Graham in view of U.S. Patent Pub. No. 2002/0111887 (“McFarlane”). Claims 7 and 8 were rejected under 35 U.S.C. §103 as being obvious over Graham in view of McFarlane and in further view of U.S. Patent Pub. No.2002/0021665 (“Bhagavath”).

Original claims 1-10 are hereby cancelled. New claims 11-18 are added, of which claims 11, 16, 17, and 18 are independent. No new matter has been introduced, as evidenced by the fact that the claim language is supported by the specification, described in further detail below.

While new claims 11-18 have not yet been examined, Applicant believes that they avoid the above-mentioned rejections for the following reasons.

B. New Claims Are Not Anticipated By Graham

First, no new matter has been introduced with the addition of new claims 11-18, as evidenced by the fact that the claim language has support in the specification. For example, the terminal includes a sensor 107 which outputs gaze information indicating whether the user gazes at the display or not. The contents access time duration recorded as user log data changes depending on the gaze information. Application at 6:5-7:6; *Id.* at FIG. 1. Moreover, the average access time is used to set the average access time duration to zero when it does not meet a predetermined value. *See, e.g., Id.* at 13.

In the Office Action, claims 1, 2, 4, and 5 are rejected as being anticipated by Graham.

Office Action at 2. Applicant believes, however, that new claims 11-18 avoid any anticipation by Graham, which teaches:

...a method of extracting desired contents from multiple heterogeneous textual streams to provide normalized data which represents the desired contents. The invention selects input streams containing text data wherein the text data of one input stream is a different format and content than the text data of another input stream.

Graham at 2:31-3:9. In other words, the invention of Graham focuses on *content* of one or more web pages: extracting, collating, and formatting content. *Id.* at 2:66-3:9. No mention is made of capturing the time spent by a user gazing at the contents at hand.

In contrast to Graham, new claims 11-15 describe the user terminal shown in Fig. 1. *See* Amendment at 2-3. Claim 11 includes numerous limitations that involve capturing the time spent by a user gazing at the contents. For example, a “browsing function module” is recited as used for “outputting access time duration.” Amendment at 2. A “log data acquiring module” is also recited for generating user log data, including the access time duration. *Id.* Moreover, the access time duration is manipulated to either determine that the access time duration output is the access time or to set the access time duration to zero, depending on whether the user gazes at the contents. *Id.* Accordingly, new independent claim 11, and all claims depending therefrom, contain limitations not found in Graham and therefore are not anticipated.

New claims 13, 14 and 15 are similar to original claims 6, 7 and 8, respectively, but directly or indirectly depend from new claim 11 (along with claim 12). Because new independent claim 11 is novel, any claims depending therefrom are also novel.

Claim 16 describes the log data managing device, an example of which is shown in Fig. 2. The recited log data managing device is characterized in handling the user log data including

the access time duration during which a user gazes at a display on an information terminal. *See, e.g.,* Amendment at 3. Again, Graham does not teach the capturing of the time during which a user gazes at the terminal display, therefore Graham does not contain each and every limitation of claim 16.

Claims 17 and 18 describe the contents renewing and providing device, an example of which is shown in Fig. 5. Application at 13:7-14:9. *Id.* at FIG. 5. *See also,* Amendment at 3-4. They, like the previous claims described above, show unique usage of the access time duration. For example, claim 17 contains the following limitations that both calculate and manipulate access time duration: "...the contents renewing and providing device calculates an average access time duration..." which then, "...deletes the contents when the average access time duration does not satisfy a predetermined access time duration limit." *Id.* at 3. Claim 18 also includes a limitation that manipulates the time access duration: "...search results are presented in order of average access time duration of the contents." *Id.* at 18. As such, neither claim 17 nor 18 is anticipated by Graham.

Accordingly, none of new claims 11-18 are anticipated by Graham.

C. New Claims Are Not Obvious Over The Cited Prior Art

1. New Claims Are Not Obvious Over Graham In View Of McFarlane

Claims 3, 6, 9, and 10 are currently rejected over Graham in view of McFarlane. Office Action at 4. McFarlane teaches, "a method of monitoring employee online activity including...Internet usage, email usage, and dial-in connections." McFarlane at Abstract. The Office Action states that, "it would have been obvious...to incorporate the monitoring system of McFarlane into the log management system of Graham, improving troubleshooting and logging capabilities. Office Action at 5.

Applicant respectfully submits that the combination of Graham and McFarlane no longer apply to the new claims of the Application. One of ordinary skill in the art would not apply a prior art combination for “improving troubleshooting and logging capabilities” to the new claims of the present Application. For example, new independent claim 11 contains a limitation that requires that the log data acquiring module either determines user gaze time as access time or set the access time to a value of zero. Amendment at 2. Neither Graham nor McFarlane teach the measurement of gaze times or the recited determining or setting of access time based on gaze time.

New independent claims 17 and 18 are directed to “[a] contents renewing and providing device....” Amendment at 3-4. Neither Graham nor McFarlane are directed to such a device and therefore do not apply to these claims.

Even if, for the sake of argument, it is assumed that Graham and McFarlane teach the subject matter as articulated by the Office Action, the claims of the Application are still not obvious with respect to the combination of the two cited prior art references. There is no suggestion or motivation contained in either of the two references to combine them in the proposed manner, a requirement for a proper obviousness rejection.

As such, the new claims of the Application avoid any obviousness rejection based on the Graham and McFarlane references as set forth in the Office Action.

2. New Claims Are Not Obvious Over Graham In View Of McFarlane And Bhagavath

Claims 7 and 8 are currently rejected over Graham in view of McFarlane and in further view of Bhagavath. Office Action at 8. Bhagavath is cited only for an alleged teaching of “a monitoring system that is able to make usage data anonymous by assigning a random number to

each data set....” *Id.* Addition of anonymity to the combination of Graham and McFarlane does not make up for the deficiencies of that combination noted above.

New claims 14 and 15 are the only ones that involve the anonymity of data. Amendment at 2. However, those claims depend from new claim 11, which is novel and not obvious. *Id.* at 2-3. Thus, Applicant believes that new claims 14 and 15 are allowable in light of further combination with Bhagavath.

Limitations involving anonymous data are not included in claims 11-13 and 16-18, so Bhagavath does not apply.

Accordingly, new claims 11-18 avoid any rejection that includes Bhagavath as part of the grounds for rejection.

III. CONCLUSION

Applicant believes that claims 11-18 are now in condition for allowance, which is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



David A. Spenard
Registration No. 37,449

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 DAS:ajb
Facsimile: 202.756.8087
Date: April 4, 2007

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